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Attorneys for Defendant

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

PHYLLIS J. KING,

Plaintiff,

v.

FEDERAL BUREAU OF
 INVESTIGATION,

Defendant.

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**DEFENDANT'S WITHDRAWAL OF
 NOTICE OF MOTION AND MOTION
 TO DISMISS AND [PROPOSED]
 ORDER FILED APRIL 16, 2008
 (DOCKET NOS. 5 AND 7)**

On April 16, 2008, the federal defendant, specially appearing, filed a Notice of Motion and Motion to Dismiss the case without prejudice. *See* Docket No. 5. In support of the motion, defendant also filed the Declaration of Jennifer Wilson. *See* Docket No. 6. Defendant also filed a proposed order. *See* Docket No. 7. The motion was scheduled to be heard on May 28, 2008 before the Honorable Bernard Zimmerman, U.S. District Magistrate Judge.

On April 18, 2008, the case was reassigned. *See* Docket No. 9. On April 29, 2008, the federal defendant filed a revised Notice of Motion and Motion to Dismiss and a new proposed order. *See* Docket Nos. 11, 12. The April 29, 2008 Motion to Dismiss is supported by the Declaration of Jennifer Wilson, which had been previously filed. *See* Docket No. 6. This motion is scheduled to be heard on Wednesday, June 18, 2008.

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1 The federal defendant withdraws the April 16, 2008 Notice of Motion and Motion to Dismiss
2 and proposed order, docket numbers 5 and 7.

3 Respectfully submitted,

4 JOSEPH P. RUSSONIELLO
5 United States Attorney

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7 Dated: May 6, 2008

8 By: /s/
9 Joann M. Swanson
10 Assistant United States Attorney
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CERTIFICATE OF SERVICE

I hereby certify that I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is: Office of the United States Attorney, 450 Golden Gate Avenue, 9th floor, San Francisco, California 94102. I further certify that I caused the within document(s):

DEFENDANT'S WITHDRAWAL OF NOTICE OF MOTION AND MOTION TO DISMISS AND [PROPOSED] ORDER FILED APRIL 16, 2008 (DOCKET NOS. 5 AND 7).

to be served this date on the parties in this action, via United States mail.

Phyllis J. King
PRO SE
527 Vista Mar Avenue
Pacifica, CA 94404

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 6, 2008

/s/

STEFANIA M. CHIN
Legal Assistant